IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

FREEDOM FROM RELIGION	§	
FOUNDATION, INC. and JOHN ROE,	§	
	§	
Plaintiffs,	§	
	§	
V.	§	CASE NO. 4:19-cv-01934
	§	
WAYNE MACK, in his personal capacity	§	
and in his official judicial capacity on	§	
behalf of the State of Texas,	§	
	§	
Defendant.	§	

THIRD PARTY THE STATE OF TEXAS'S UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF REGARDING ITS INTERESTS

The State of Texas has been made aware of the above-captioned lawsuit against Judge Wayne Mack, Justice of the Peace for Montgomery County. Plaintiffs have purported to bring claims that reach the State of Texas, asserting that Judge Mack is an officer of the State. However, the State has not been served, and neither the State nor any State official or entity are parties to this lawsuit. Judge Mack is not represented by the Office of the Attorney General, and any claims against him do not implicate the State.

Because Plaintiffs purport to have brought claims against the State, the State respectfully requests leave to file a brief in this matter regarding its interests. Counsel for the parties are unopposed to this request, and the State's filing will aid the Court in resolving Plaintiffs' claims. Accordingly, the State of Texas respectfully requests that the Court consider the attached brief.

Respectfully submitted.

KEN PAXTON Attorney General of Texas

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/s/ Christopher D. Hilton
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Counsel for the State of Texas

CERTIFICATE OF CONFERENCE

I hereby certify that I have conferred with counsel for the parties and that they are unopposed to the State of Texas filing a brief regarding its interests in this matter.

/s/ Christopher D. Hilton
Christopher D. Hilton

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served via the Court's CM/ECF system on October 18, 2019, to all counsel of record.

/s/ Christopher D. Hilton Christopher D. Hilton